

REMARKS/ARGUMENTS

In light of the following remarks, reconsideration and allowance of this application are respectfully requested.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-39 are pending in this application. Claims 1-16 and 33 were rejected in the Office Action. Claims 17-32 and 34-39 were withdrawn from consideration. In this response, claim 15 and the specification are being amended. No new subject matter was added as a result of these amendments.

II. THE REJECTIONS UNDER 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)

In numbered paragraph 5 of the Office Action, claims 1, 2, 4, 7, 8, 11, 14, 15 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,737,923 to Prolo ("Prolo").

In numbered paragraph 7 of the Office Action, claims 3, 10 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Prolo in view of U.S. Patent No. 4,571,757 to Zolecki ("Zolecki").

In numbered paragraph 8 of the Office Action, claim 5 was rejected under § 103(a) as being unpatentable over Prolo in view of U.S. Patent No. 5,657,766 to Durham ("Durham").

In numbered paragraph 9 of the Office Action, claim 6 was rejected under § 103(a) as being unpatentable over Prolo in view of U.S. Patent No. 5,211,185 to Garth et al. ("Garth").

Lastly, in numbered paragraph 10 of the Office Action, claims 9 and 13 were rejected under § 103(a) as being unpatentable over Prolo in view of U.S. Patent No. 3,957,262 to McReynolds ("McReynolds").

The rejections are traversed for at least the following reasons.

As recited in independent claims 1 and 14, the instant invention is directed to a body part immobilization apparatus comprising, *inter alia*, "a base for mounting one or more side blocks, said base having adjustable engagement means" wherein the side blocks and the base "include a body contact means removably attached thereto for contacting [a] body part." (Emphasis added). In addition, as recited in independent claim 33, the instant invention is also directed to a body part immobilization apparatus comprising a body part restraining means with a "body part contact means removably attached to said restraining means." (Emphasis added).

As disclosed in the specification and as depicted in the embodiments exemplified in Figs. 1 and 2A, side blocks 105 and 110 are attached to a headboard or base 115. Page 10, lines 17-18. The headboard or base 115 then attaches to a spine board 120. Page 11, lines 13-14. Therefore, the side blocks 105 and 110 do not attach directly to the spine board 120. Moreover, the headboard or base 115 includes adjustable engagement means whereby the side blocks 105 and 110 attach to headboard 115 by engaging lock member 120 in slot 205 or 215 of headboard 115. By attaching the side blocks 105 and 110 in this manner, the blocks may slide laterally toward and away from the center of the headboard 115 along slots 205 and 215 of headboard 115. Page 11, lines 15-25; Figs. 2A and 2B.

Furthermore, as depicted in the embodiments exemplified in Figs. 1 and 20, the body contact means or pads 160, 165 and 170, may be made of foam and removably attached to head blocks 105 and 110 and headboard or base 115 using rivets, hook and loop fabric tape-style fasteners, two-sided adhesive fasteners, buttons, additional straps, and the like. Page 18, lines 14-30. Pads 160, 165 and 170 that are attached in a removable manner and that become contaminated from contact with a patient, can be easily removed and either decontaminated or

replaced without replacing the head blocks 105 and 110 and head board 115. Page 18, line 30 -
Page 19, line 2.

As presently understood by Applicants, Prolo is directed to a cervical stabilization device comprised of, *inter alia*, skull stabilization blocks 18 that are movably attached to a board 11 by means of bolts 19 that pass through slots 11a in board 1. *See* col. 3, lines 6-14. Therefore, the skull stabilization blocks 18 attach directly to the board 11 instead of attaching to a base that attaches to a board, as is the case in the instant invention. As depicted in Fig. 3, the surface of the head-engaging portions of blocks 18 includes a layer of cushioning material 18c. In addition, the board 11 includes a cushion 11b as well. Col. 3, lines 12-19. Prolo, however, does not disclose, teach or suggest that the cushioning material 18c and the cushion 11b are removably attached to the blocks 18 and the board 11, respectively. Consequently, the relied upon portions in Prolo fail to teach or disclose a body part immobilization apparatus comprised of head blocks that attach to a base, where the base attaches to a spine board and where the head blocks, the base and the body part restraining means each have a body contact means removably attached thereto.

Neither Zolecki, Durham, Garth nor McReynolds remedy the inherent deficiencies of Prolo. Durham discloses head pads or cushions 46 to support a person's head or neck. *See* col. 8, lines 4-31. The head pads 46, however, do not have any type of removably attached body contact means. Furthermore, although Figs. 1 and 2 depict that the head pads 46 attach to a base board 12, which then attaches to a backboard 8, the base board 12 does not have an adjustable engagement means as required by the instant invention.

As to the Garth reference, the Office Action asserts that the head immobilizer comprises a body contact means that is removably attached to a supporting surface. Office Action, pages 5-

6. Applicants respectfully disagree. The head immobilizing device 1 of Garth does not include side blocks as in the instant invention. Furthermore, the Garth body contact means is the device that is attached to the spine board 24 with an adhesive fastener. Col. 4, lines 24-26. Therefore, Garth does not disclose side blocks with body contact means removably attached thereto.

Lastly, the Office Action asserts that McReynolds teaches a body part immobilization apparatus comprising body part contact means (23, 24) that are removably attached to corresponding side support sections. Office Action, page 5. However, the body contact means (23, 24) referred to in the Action are chin and forehead restrainers. Col. 3, lines 6-7. These differ from the body contact means of the instant invention, which include pads that removably attach to the side blocks. Therefore, McReynolds does not teach side blocks with body contact means removably attached thereto.

For at least the foregoing reasons, it is respectfully submitted that Prolo, either alone or in combination with Zolecki, Durham, Garth or McReynolds, fails to teach or suggest each and every limitation of independent claims 1, 14 and 33. Therefore, claims 1, 14 and 33 patentably distinguish over those portions of the cited references relied upon by the Examiner and are allowable. Furthermore, claims 2-13 that depend from claim 1 and claims 15-16 that depend from claim 14 are allowable therewith.

The Examiner made of record, but did not apply several additional documents. Applicants appreciate the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present invention unpatentable.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

specifically indicate those portions of the respective reference providing the basis for a contrary view.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

A Notice of Allowance is earnestly solicited.

Respectfully submitted,
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